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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,879	08/14/2000	Wolfgang Schmutz		8333

7590

05/29/2003

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EXAMINER

KEENAN, JAMES W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,879

Applicant(s)

SCHMUTZ ET AL.

Examiner

James Keenan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-34, 37, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 35, 36 and 38-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/10/03 has been entered.

2. Claims 28 and 38 are objected to because of the following informalities: in claim 28, line 3, a comma should be inserted after "bore"; in claim 38, line 3, "mens" should be --means--. Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 31 and 41-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 31, "preferably" is vague.

In claim 41, the recitation that a single crank drive provides closing movement of the lock door, displacement of the receiving table, and lowering of the roller track is believed incorrect; as best understood, separate mechanisms perform these functions.

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In claim 42, the recitation that the various movements are "arranged inside" the lock device is not understood; perhaps applicant intended to refer to the mechanisms which provide such movement.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2)(a) of such treaty in the English language.

6. Claims 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonora et al (US 6,220,808, previously cited).

Bonora et al show a clean room comprising processing installation 20, lock device 24 with an hermetically sealable opening to allow movement of wafers 40 in transport box 38 into and out of the clean room through the lock device via port plate 28, and adapter device 27 disposed between the processing installation and the lock device, wherein the adapter device is held on the processing installation (figures 1A and 2), adjustably oriented relative thereto via tilt and go attachment system 25 (col. 6, lines 46-48), and releasably fastened to the lock device (col. 6, lines 32-35).

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Re claims 23-27, note that Bonora et al incorporate by reference the details of the tilt and go attachment system disclosed in Patent No. US 6,138,721 (of record). In particular reference to claim 24, note col. 5, lines 19-29 of that Patent. Further, in particular reference to claim 27, note col. 5, lines 58-63 of that Patent.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 28-29 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al.

While details of the attachment of the adapter device to the lock device are not given, the use of indexing pins fitting into corresponding bores is conventional in the art and the use thereof in the apparatus of Bonora et al would have been an obvious design expediency to one of ordinary skill in the art. Similarly, the limitations set forth in claims 41-42, as indefinitely claimed, are believed to be obvious design expediencies which would have been readily incorporated into the apparatus of Bonora et al by one of ordinary skill in the art.

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9. Claims 30-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al in view of Bacchi et al (US 5,538,385).

Bonora et al do not show a roller track on the receiving table for the transport box.

Bacchi et al show a pivotable receiving table 60 for a wafer carrier, wherein roller tracks are incorporated into the table.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Bonora et al by utilizing roller tracks on the receiving table, as this is shown by Bacchi et al to be a desirable means of enhancing the manual transfer of a wafer carrier onto a receiving table.

10. Claims 35-36 and 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Applicant's arguments filed 3/10/03 have been fully considered but they are not persuasive.

Although applicant makes no new arguments concerning the art rejection *per se*, applicant refers to the previous response filed 5/14/02 and alleges that the previous examiner improperly responded to and dismissed these arguments by stating "the instant Examiner cannot be held responsible for the actions of others". While this was an unusual response, it must be pointed out that, contrary to applicant's assertion, this response referred not to the art rejection, but rather to

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the 112/2nd paragraph rejection (now moot). The previous examiner **did** respond to applicant's arguments concerning the art rejection (see page 4, lines 10-14 of the final rejection, paper #10). In any event, it is believed that the rejections set out above render moot this point.

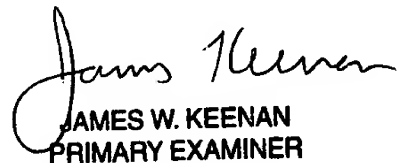
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is (703) 308-2559.

The fax phone number for the organization where this application or proceeding is assigned is 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

jwk

May 27, 2003


JAMES W. KEENAN
PRIMARY EXAMINER